



# Department of Environmental Protection

Jeb Bush  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

David B. Struhs  
Secretary

## **CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT AND SOVEREIGN SUBMERGED LANDS AUTHORIZATION**

### **PERMITTEE/AUTHORIZED ENTITY:**

U.S. Army Corps of Engineers  
c/o Mr. Richard E. Bonner, P.E.  
Jacksonville District  
U. S. Army Corps of Engineers  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Permit/Authorization Number: 0173770-001-EI  
Date of Issue: September 22, 2003  
Expiration Date of Construction Phase:  
September 22, 2008  
County: Miami-Dade  
Project: Miami Harbor Maintenance and  
Construction Dredging

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This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Management Act.

This permit also constitutes certification of compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1344.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253 and Chapter 258, F.S., Chapter 18-18, Chapter 18-20, Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined that the activity qualifies for a consent to use sovereign, submerged

lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, Florida Statutes to perform the activity on the specified sovereign submerged lands.

This permit constitutes a determination, pursuant to Section 380.0651(3)(e), F.S., that the facility is located so that it will not adversely impact Outstanding Florida Waters or Class II waters, and will not contribute to boat traffic in a manner that will adversely impact the manatee.

The above named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. This permit and authorization to use sovereign submerged lands is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions, which are a binding part of this permit and authorization. You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification/authorization, as specifically described below.

#### **ACTIVITY DESCRIPTION:**

The project is to maintenance dredge all areas within the federally maintained portion of Miami Harbor. In addition, on privately owned submerged lands in the Lummus Island Turning Basin, the applicant applied for new dredging to deepen the area. The project includes the 500 ft. wide Entrance Channel (Cut 1 and 2) with a depth of -44 ft. (MLW) and 1 ft. allowable overdredge; Cut 3, which narrows from 500 ft. to 400 ft. wide along the northeast side of the port, with areas having a depth of -42 ft. (MLW) and 1 ft. allowable overdredge and -36 ft. (MLW) and 1 ft. allowable overdredge; the 400 ft. wide Cut 4, and 400 to 1600 ft. wide Turning Basin along the northwest side of the Port with a depth of -36 ft. (MLW) and 1 ft. allowable overdredge ; 400 ft. wide Fisherman's Channel along the southeast side of the port with a depth of -42 ft. (MLW) and 1 ft. allowable overdredge; approximately 1500 ft. wide Lummus Island Turning Basin with a depth of -42 ft. (MLW) and 1 ft. allowable overdredge; and the 400 ft. wide Dodge Island Channel with a depth of -34 ft. (MLW) and 1 ft. allowable overdredge. The dredge material will be deposited in the Ocean Dredge Material Disposal Site (ODMDS), except for any beach-compatible material from Cut 1 and 2. The beach-compatible sand from Cut 1 and 2 may be temporarily placed in a disposal area on Virginia Key that is managed by Miami-Dade

County, prior to being placed on a beach at a later date. It is estimated that the maintenance dredging will require removal of 1 million c.y. of material every 3 years.

**ACTIVITY LOCATION:**

The activity is located adjacent to the Port of Miami, Miami-Dade County, Section 31 Township 53 South Range 42 East, and Section 37 Township 54 South Range 42 East, Biscayne Bay and coastal waters, Class III Waters, Biscayne Bay Aquatic Preserve, Outstanding Florida Waters.

**GENERAL CONDITIONS:**

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.
2. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).
3. The Corps shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.
4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.

5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under section 373.421(2), F.S., provides otherwise.

6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.

7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.

8. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.

10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.

11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

**SPECIFIC CONDITIONS:**

Abbreviations used in this permit:

DEP: Florida Department of Environmental Protection  
BBWR: DEP, Bureau of Beaches and Wetland Resources  
FWCC: Florida Fish and Wildlife Conservation Commission  
SC: Specific Condition  
F.A.C.: Florida Administrative Code  
OFW: Outstanding Florida Waters  
FWC: Florida Fish and Wildlife Conservation Commission  
USFWS: United States Fish and Wildlife Service  
USACE: U.S. Army Corps of Engineers  
NMFS: National Marine Fisheries Service  
DERM: Miami-Dade County Environmental Resources Management  
MDWASD: Miami-Dade Water and Sewer Department  
BBAP: Biscayne Bay Aquatic Preserve

- 1 As indicated in this permit, the following addresses will be used for mailing correspondence:

DEP, Bureau of Beaches and Wetland Resources  
Attn: Environmental Permitting Section  
3900 Commonwealth Boulevard, Mail Station 300  
Tallahassee, Florida 32399-3000

DEP, Southeast District Office  
Attn: ERP Section  
PO Box 15425  
West Palm Beach, Florida 33416-5425

DEP, Biscayne Bay Aquatic Preserve  
Attn: Marsha Colbert  
1275 NE 79th Street CSWY  
Miami, FL 33138-4206

DEP Office of Intergovernmental Programs  
Attn: Doug Oliver and Bob Hall  
3900 Commonwealth Blvd., MS 47  
Tallahassee, Florida 32399

Office of Environmental Services, FWC  
620 South Meridian Street  
Tallahassee, Florida 32399-1600

USFWS  
1339 20th St  
Vero Beach, FL 32960-3559

NMFS  
Attn: George Getsinger  
6620 Southpoint Drive South, Suite 310  
Jacksonville, Florida 32216-0958

Miami-Dade Co. DERM  
Natural Resource Division  
33 SW 2nd ST  
Miami, FL 33130-1540

2. If the project description, permit drawings, and Specific Conditions contradict each other, then the Specific Conditions shall prevail.

3. The permittee shall conduct a pre-construction conference (teleconference is acceptable) with all contractors, the engineer of record, a staff representative of the Department, the FWCC, USFWS, NMFS, DERM, Miami-Dade Water and Sewer Dept., and the marine turtle permit holder (if applicable) to establish an understanding among the parties as to the items specified in the General and Specific Conditions of the permit. The pre-construction conference will be held at least 30 days prior to commencement of port improvement/ expansion activities. The permittee shall attempt to schedule the conference when all parties are available to attend. The permittee shall provide a minimum of 10 days advance written notification to the following offices advising of the date, time and location of the pre-construction conference:

BBWR	USFWS
DEP, Southeast District Office	NMFS
DEP BBAP	DERM
FWCC	MDWSD

4. The permittee and contractors should specifically note General Condition Numbers 9 and 11, which refer to reporting and notification requirements.
5. The Permittee shall submit two copies of final construction plans and specifications for all authorized activities, which include the project specifications listed in this permit, to the BBWR and the MDWASD (to review water quality impacts associated with potential damage to utility lines) at least 60 days prior to commencing any portion of the work authorized herein.
6. The dashed line on the attached drawings (plan view figures 2-17), indicating the extent of the project, is the toe of slope. All dredging will be within the boundary of these lines. The project dimensions are defined by the final toe of slope. The top of slope is calculated based on assumed angle of repose of in-situ material (see figures 18-21).
7. The assumed angle of repose shown in figures 18-21 shows average or typical assumed slopes and is not intended to authorize impacts to existing biological resources such as seagrass or hardbottom located adjacent to or nearby the areas already dredged prior to the issuance of this permit. The authorized project entails no new direct or indirect impacts to biological resources, and based on this, no mitigation has been required herein. Any anchors or cables needed to stabilize the vessels used in the dredging operation must not damage natural resources outside of the dredging footprint and slopes must also not damage natural resources.
8. There shall be no storage or stockpiling of equipment, tools, or materials within wetlands or along the shoreline within the littoral zone. No portion of the dredge barge, pipeline,

or any related equipment shall be temporarily stored, anchored on, or laid on or over seagrass beds, hardbottom or other natural resources without prior Department approval. In any areas where the proposed dredge pipeline route extends outside of the federal channel, a site visit by BBWR, DEP Biscayne Bay Aquatic Preserve, or DERM staff shall be required. Prior to the pipeline route inspection, the permittee shall mark the route or provide geographic coordinates for the entire pipeline route. If the dredge pipeline is proposed to cross over seagrass beds, the pipeline must be a floating pipeline with enough clearance at low tide to be prevent damage to the seagrasses. During dredging and related activities, any anchoring done to secure the dredge or equipment shall be done within areas where there are no seagrass beds, hardbottom, or other natural resources.

9. Shoal material to be dredged from Cuts 1 and 2, in the Entrance Channel area, appears to be beach-compatible sand. In order to use this material for beach nourishment purposes, the disposal area on Virginia Key may be utilized if feasible. The Virginia Key disposal area is managed by the City of Miami. The City may use the material that is deposited in the Virginia Key site, in association with this permit, for beach nourishment purposes.
10. Best management practices for turbidity and erosion control shall be implemented and maintained at all times during all construction, dredging, and disposal activities to prevent siltation and turbid discharges in excess of state water quality standards pursuant to Rule 62-302, F.A.C. In addition, the following practices shall be utilized as necessary during all work authorized by this permit:
  - a. Prior to the start of any open-water dredging, the limits of work shall be clearly marked/indicated by the permittee and/or contractor. All construction personnel shall be shown the locations of all adjacent seagrass beds and wetland areas outside of the construction areas to prevent barge grounding and encroachment by heavy equipment into these areas. Appropriate turbidity control measures, such as turbidity curtains, turbidity screens, haybales, etc., shall then be installed prior to construction in order to prevent turbidity violations or sedimentation within seagrass beds or wetlands. Turbidity screens shall not drag the bottom or damage seagrasses.
  - b. All seagrasses, waterbodies and wetland areas outside the marked construction perimeter shall be protected from construction related prop-scarring, scouring, erosion, sedimentation, siltation, elevated turbidity, dewatering, etc.
  - c. The permittee shall be responsible for ensuring that turbidity/erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized.

Turbidity shall be monitored as described in #2 of the "Monitoring Required" section of this permit. The following measures shall be taken by the permittee whenever turbidity levels outside of the mixing zone exceed background within the OFW, or 29 NTU's above background outside of the OFW:

- a. Immediately cease all work contributing to the water quality violation.
  - b. Notify the Department's Southeast District at 561- 681-6600 and BBWR at 850-487-4471 x104 or x167 within 12 hours by telephone or fax 850-921-6459 and written report within 48 hours. The violation report shall include the description of the corrective actions being taken or proposed to be taken. If violations are noted after normal business hours, on holidays, or on weekends, the report shall be made to the Department as soon as normal business hours resume.
  - c. Modify the work procedures that were responsible for the violation and/or install more or repair any non-functioning turbidity containment devices.
  - d. Maintain the cessation of all dredging until continued monitoring has revealed no further violation exists.
  - e. Provide a copy of all monitoring data sheets that indicate violations to the Department's Southeast District Office and BBWR.
  - f. After a water quality related work cessation specifically ordered by the Department, construction/dredging operations may continue only upon Department approval.
12. If dredged material escapes from the project site and encroaches into wetlands or waters of the state, the impacted areas shall be restored to their original contours, elevations, and conditions. If the impacted areas were vegetated, they shall be replanted, after recontouring, with vegetation of the size, densities and species as is present in the adjacent, undisturbed wetland areas. Restoration shall be initiated within 30 days of completion of the construction/dredging operation and completed within a time that has been agreed upon by the Department and the Corps. The Department shall be notified within the same 30-day period. Appropriate turbidity/erosion control measures shall be followed during the restoration work.
13. The majority of the dredge material is not beach-compatible, and it is proposed to be deposited in an Ocean Dredge Material Disposal Site. Upon receipt of USEPA approval of the ODMDS site, documentation of the approval shall be submitted to the BBWR. This documentation shall include differential GPS coordinates of the site location.



14. In order to avoid elevation in turbidity levels, the permittee shall not allow any turbid water or dredged material placed in a hopper dredge, disposal barge or scow to flow over the sides or leak from such vessels during loading. Additionally, the permittee shall not allow any discharge of water or dredged material during transportation to the ODMDS.
15. The terms, conditions, and provisions of TIITF Deed #'s 19447, and 18730-A; and perpetual Public Easement # 23335, with encumbrances for Easement #'s 25759, 25637(2679), and 26502(3416), shall be adhered to at all times.

## **MONITORING REQUIRED:**

### **1 Seagrass Protection Measures**

- a. The permittee shall inform the contractor and all personnel associated with the project of the presence of seagrasses, especially the Federally listed threatened Johnson's Seagrass (*Halophlia johnsonii*), and the need to avoid contact with seagrasses. Seagrass beds are identified on the Contract drawings as Environmentally Sensitive Areas.
- b. All construction personnel shall be advised that there are civil and criminal penalties for harming or destroying seagrasses, especially Johnson's Seagrass that is protected under the Endangered Species Act of 1973, as amended. The contractor may be held responsible for any seagrasses damaged or destroyed due to construction activities.
- c. The permittee or their contractor shall not anchor, place pipeline, or stage equipment in a manner that will cause any damage to seagrasses or hardbottoms. Anchoring, placing pipeline, or staging equipment shall avoid these sensitive areas. If unanticipated damage to these sensitive areas occurs, the activities shall cease and the permittee shall report any actual or potential incident to BBWR.

### **2. Water Quality Sampling**

Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Background: Equivalent to the corresponding Compliance Site Type.

Compliance Site Type 1 (where the mixing zone does not abut seagrass or hardbottom area): Twice daily at least 4 hours apart during all dredging, filling, or disposal operations. If overflow occurs from filling of hopper dredge, disposal barge or scow barge, then monitoring frequency shall be increased to every 30 minutes during loading and up to 30 minutes after overflow has ceased.

Compliance Site Type 2 (where a shortened mixing zone abuts seagrass or hardbottom area): Hourly, when visual observation indicates a turbidity plume extends into areas containing seagrasses or hardbottom resources. If overflow occurs from filling of hopper dredge, disposal barge or scow barge, then monitoring frequency shall be increased to every 30 minutes during loading and up to 30 minutes after overflow has ceased.

Location: Background: At mid-depth in Biscayne Bay or coastal waters, as appropriate, at least 300 meters upcurrent from the dredge, fill, or disposal site discharge point and clearly outside the influence of any turbidity generated by the project.

Compliance:

Type 1 Site- At mid-depth in Biscayne Bay or coastal waters, at the **mixing zone boundary** (150 meters from the edge of the active construction within waters/wetlands or point of discharge into waters/wetlands, but not beyond the edge of the nearest seagrass bed/hardbottom area), downcurrent from the dredge or disposal site discharge point, within the densest portion of any visible turbidity plume.

Type 2 Site- At mid-depth, no more than 1 meter within the **edge of seagrass/hardbottom areas** closest to the construction activity, no more than 150 meters downcurrent from the dredge, fill, or disposal site discharge point, within the densest portion of any visible turbidity plume.

During all excavation, dredging, filling, and disposal operations, turbidity levels shall not exceed these standards and mixing zone limits. As per SC #13 in the permit, if at any time turbidity at the compliance location rises above background in the OFW or 29 NTU's above background outside the OFW, construction activities shall **cease immediately** and not resume until modifications or corrective measures have been taken and turbidity has returned to acceptable levels. Any such occurrence shall also be immediately reported to the DEP Southeast District Office at (561) 681-6600 and DEP BBWR in Tallahassee at (850) 487-4471 within 24 hours of the time the violation is first detected.

Turbidity monitoring reports, including the results of visual assessments of seagrass areas, shall be submitted to the BBWR, BBAP and DEP Southeast District.

## REPORTING

- 1) Turbidity monitoring reports, shall be submitted to the BBWR, BBAP and DEP Southeast

District Office on a weekly basis within seven days of collection. The report shall be submitted under a cover letter containing the following statement: **"This information is provided in partial fulfillment of the monitoring requirements in Permit No. 0173770-001-EI."** The cover letter shall summarize any significant or non-compliance issues. Also, please clearly reference permit number 0173770-001-EI on each page of the report. In addition to analytical results for samples and quality control, the report should also include:

- a) time of day samples were taken
- b) depth of water body
- c) depth of sample
- d) antecedent weather conditions
- e) tidal stage and direction of flow
- f) wind direction and velocity
- g) a statement describing the methods used in collection, handling, storage and analysis of the samples
- h) meter calibration
- i) a map indicating the location of the current construction activity, the sampling locations (background and compliance), extent of the 150 m. mixing zone, and delineating any seagrass beds adjacent to the mixing zone.
- j) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Failure to submit monitoring reports in a timely manner constitutes grounds for revocation of the permit.

- 2) The permittee shall submit two copies of Final After Dredge Surveys to the BBWR and BBAP within 30 days of completion of construction. The survey drawings shall be based on the Department permitted construction drawings, which should be revised to reflect changes made during construction. Both the original design and constructed elevation must be clearly shown.
- 3) Project Progress Reports indicating the status of the project shall be submitted as described below. The cover page shall indicate the permit number, project name, the permittee name, and the dates covered by the report. The first semi-annual progress report shall be submitted 6 months from the date of permit issuance, and reports shall continue to be submitted semiannually for one year. After one year, reports shall then be submitted annually, until the construction is complete and project areas have stabilized (Note: see d. below). The report shall include the following information:
  - a) Date that the permitted activity was begun or is anticipated to begin.

- b) Brief description of the extent of work (i.e. dredging methods, equipment used, volume of material dredged, volume of material deposited by location, planting, monitoring, management, maintenance, etc.) completed since the previous report or since the permit was issued. Indicate on copies of the permit drawings those areas where work has been completed.
- c) The Corps shall direct the Contractor to address in the Environmental Protection Plan how he will monitor and protect seagrasses from direct impacts, and secondary impacts of particulate matter suspended, from construction related activities and items such as prop wash, groundings, and prop scarring

The permittee shall submit two copies of the Project Condition Survey within 30 days of the survey being completed for the first three years after completion of the project. The surveys will be used to determine if any sloughing occurred adjacent to the Federal channel

- d) Brief description of the extent of work (see above) anticipated in the next quarter. Indicate on copies of the permit drawings those areas where it is anticipated that work will be done.
- e) Any other information or observations that pertain to negative environmental effects or impacts.
- f) These reports shall include on the first page, just below the title, the certification of the following statement by the individual who supervised preparation of each report:  
"This report represents a true and accurate description of the activities conducted during the period covered by this report

The report shall be submitted to:

- DEP Bureau of Beaches and Wetland Resources
- DEP Southeast District Office
- DEP Biscayne Bay Aquatic Preserve
- FWC Tallahassee

## **MARINE MAMMALS**

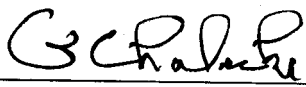
The conditions for blasting were developed by the FWC and are very similar to those recommended by the U.S. Fish and Wildlife Service (USFWS). Without the opportunity to review the specific blast plan, it should be noted that modifications or additions to these conditions may be necessary at the time the final blast plan details are available.

These conditions were developed, assuming that there would be no impacts to native habitat resources such as submerged aquatic vegetation. If it is discovered that the project will entail loss of habitat, then the FWC will need to evaluate this new information, and make recommendations for the project.

1. The standard manatee construction conditions shall be followed for all in-water construction.
2. At least one person shall be designated as a manatee observer when in-water work is being performed. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity.
3. The permittee shall ensure that the contractor maintains a log detailing sightings, collisions, or injuries to manatees should they occur during the contract period. Following project completion, a report summarizing incidents and sightings shall be submitted to the Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600.
4. The permittee is advised that the presence of manatees in the Miami-Dade County area is increased during the period of November 1 through March 31. As a result, if blasting is proposed during these months, significant operational delays should be expected due to the increased likelihood of manatees being present within the project area. To reduce the possibility of injuring or killing a manatee during dredging, any proposed blasting should be scheduled to avoid the period from November 1 through March 31, when more manatees are present in Miami-Dade County.
5. If blasting is proposed the "Endangered Species Conservation Conditions For Blasting Activities" (copy attached) shall be followed for any proposed blasting for this project, and aerial surveys will be required.
6. The permittee is advised that access to the Virginia Key No Entry Zone is not authorized under this permit.

7. In the event a hopper dredge is utilized for sand excavation and placement in the temporary disposal area, all conditions in the NMFS Biological Opinion for hopper dredging along the SE U.S. Atlantic Coast (dated August 25, 1995) must be followed, and the FWC shall be sent copies of the reports specified in Condition 6 of the Biological Opinion.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
for Janet G. Llewellyn, Deputy Director  
Division of Water Resources

Copies furnished to:

Carl Fielland, Port of Miami  
Tim Rach, DEP, SE District  
Mark Miller, DEP, Office of General Counsel  
Doug Oliver, DEP, OIP  
Bob Hall, DEP, OIP  
Brian Barnett, FFWCC, BPSM  
Carol Knox, FFWCC, BPSM  
Marsha Colbert, DEP, Biscayne Bay Aquatic Preserve  
George Getsinger, NMFS  
Brad Riech, USFWS  
Dr. John Proni, NOAA  
Chris McArthur, USEPA  
Craig Grossenbacher, Miami-Dade Co., DERM  
Lee Hefty, Miami-Dade Co., DERM  
Victor Fernandez-Cuervo, Miami-Dade Co., Water and Sewer Dept.  
Edward Swakon, EAS Engineering, Inc.  
Alfred Malefato,  
Cliff Schulman, Green Taurig, LLP  
BBWR Permit Information Center  
BBWR File

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on September 22, 2003, to the above listed persons.

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to 120.52(7),  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

Della Weaver      9/22/03  
Clerk                      Date

22 pages attached.